LINCOLN COUNTY · MONTANA

A CITIZEN'S GUIDE TO LAND SUBDIVISION

TURNING ONE PIECE OF LAND INTO NEW, SELLABLE PARCELS — START TO FINISH.

A plain-language walkthrough of how land is legally divided in Lincoln County — for anyone thinking about subdividing, and for the neighbors who live nearby. Seven steps, who's involved, what gets reviewed, and what you are responsible for.

1973	<160	7	NO
MONTANA SUBDIVISION & PLATTING ACT	ACRES — THE PARCEL SIZE THAT TRIGGERS REVIEW	STEPS FROM IDEA TO FILED FINAL SURVEY	COUNTY ZONING ORDINANCE CURRENTLY IN EFFECT

PLANNING DEPARTMENT

512 California Avenue
Libby, Montana 59923

(406) 283-2309
lincolncountymt.us/planning-homepage

START HERE

WHAT COUNTS AS A SUBDIVISION?

Any division of land that creates parcels smaller than **160 acres** is a subdivision. Which category you fall into depends on how many lots you're creating.

CATEGORY 01

MAJOR

6 or more lots

The most involved review path. Goes through staff, the Planning Board, and the County Commissioners, and carries the fullest set of public-review and infrastructure requirements.

CATEGORY 02

MINOR

5 or fewer lots

A lighter path than a major subdivision. A first-time minor skips the adjoining-owner notice; a *subsequent* minor triggers public notification like a major does.

CATEGORY 03

EXEMPT

Outside full review

Certain divisions skip subdivision review — but are checked for misuse:

- **Family transfer** — a single gift or sale to a spouse, parent, or child.
- **Agricultural** — a separate parcel for farm use only.
- **Boundary relocation** — shifting a shared line, no new parcels.

A quick reality check. Exemptions are reviewed with the Clerk & Recorder — and sometimes the Commissioners — to make sure an exemption isn't being used to dodge the review process. See the county's *Exempt Survey Guidelines* for the details.

THE ROADMAP

THE SUBDIVISION PROCESS 7 STEPS

Each step feeds the next. It's a straightforward path, but findings along the way may send you back to redesign — so treat it as a process of discovery, accuracy, and analysis.

1

DO YOUR HOMEWORK

PRELIMINARY INVESTIGATION & DESIGN

Check the Clerk & Recorder for covenants and the Health Department for septic or well concerns before anything else. Weigh water, soils, access, slopes, fire risk, and market demand. Most people hire surveyors, engineers, or environmental specialists here.

DUE DILIGENCE

2

TALK BEFORE YOU FILE

PRE-APPLICATION CONFERENCE

Meet with Planning staff **before** submitting anything. They get familiar with your proposal; you get familiar with county policy and procedure. Staff flag issues early and name the agencies you'll need to contact.

REQUIRED · FORM ON WEBSITE

3

MAKE IT OFFICIAL

SUBMIT THE APPLICATION

File your application and fees. Staff review it for completeness, visit the site as needed, and write a staff report analyzing whether it meets the regulations and how it measures against the review criteria.

APPLICATION + FEES

4

NEIGHBORS WEIGH IN

PUBLIC REVIEW

Once the application is sufficient, adjoining owners get a letter and notice signs go up on the property. Staff recommend to the Planning Board, who in turn recommend to the Commissioners. All proposals are judged by State of Montana criteria.

ADJOINING-OWNER NOTICE

5

THE VERDICT

DECISION

The Board of County Commissioners makes the final call. An aggrieved party may appeal the decision in District Court.

✓ APPROVE | APPROVE WITH CONDITIONS | × DENY

6

SATISFY THE TERMS

COMPLETE THE CONDITIONS

If approved, you must meet the written conditions before filing. Every lot under 20 acres needs Montana DEQ sanitation review, and a septic permit is required from County Environmental Health before building.

`LOTS < 20 AC → DEQ REVIEW`

7

THE FINISH LINE

FILE THE FINAL SURVEY

Submit the final plat prepared by a licensed surveyor. Once it's recorded with the Clerk & Recorder — **the lots can be sold.**

`RECORDED → READY TO SELL`

BEFORE YOU COMMIT

QUESTIONS TO ASK EARLY

Preliminary research decides whether a project is even viable. Optimum lot size comes from balancing environment and economics — not from maxing out the count. Work through these before you invest.

- ☐ Public water & sewer, or individual wells and septic on each lot?
- ☐ Enough groundwater for domestic wells — and how deep? (DNRC)
- ☐ Are lot sizes consistent with any covenants on the property?
- ☐ Constraints: wetlands, slopes over 30%, wildlife habitat, services?
- ☐ What are the surrounding land uses and lot sizes like?
- ☐ Is there real demand — and will it still be there at completion?
- ☐ Any soil, high-groundwater, or other limits on septic systems?
- ☐ Can the land support the number of wells and septics proposed?
- ☐ Is there legal access — including permits for Forest Service roads?
- ☐ Is the property inside a rural fire district or service area?
- ☐ What will the project and its review actually cost?
- ☐ How fast must lots sell for the project to succeed (absorption rate)?

$ **Contrary to popular belief,** more lots do not necessarily mean more profit. Roads, infrastructure, and utilities all scale with the number of parcels.

THE CAST

WHO'S INVOLVED

Subdivision decisions aren't private deals between an applicant and the county. Four groups shape the outcome.

THE SUBDIVIDER

You — plus the professionals you bring on. Bigger, more complex projects call for a bigger team.

- FINANCIAL INSTITUTION
- LAND-USE CONSULTANT
- SURVEYOR
- ENGINEER
- LANDSCAPE ARCHITECT
- PROJECT MANAGER
- ATTORNEY
- REAL ESTATE PRO
- ENVIRONMENTAL SPECIALIST

AGENCIES & PROVIDERS

They comment on whether they can serve the subdivision and set conditions for their systems.

- UTILITIES & TELECOM
- IRRIGATION DISTRICTS
- FIRE DEPARTMENTS
- COUNTY ROAD DISTRICTS
- MT FISH, WILDLIFE & PARKS
- MT DNRC
- MT DEPT. OF TRANSPORTATION
- US FOREST SERVICE

THE PUBLIC

Neighbors and residents matter because subdivisions create impacts the whole community shares — traffic, wildlife, services, irrigation, and farmland. Most of these are aired in public hearings before the Commissioners reach a decision.

COUNTY OFFICIALS

01 **Board of Commissioners** — three elected officials who make the final land-use decisions.

02 **Planning Board** — nine appointed members; reviews major subdivisions and recommends to the Commissioners.

03 **Planning staff** — carry out the administrative provisions of the regulations day to day.

THE YARDSTICK

HOW PROPOSALS ARE JUDGED

Staff review and the Commissioners' decision rest on two questions.

QUESTION 01

DOES IT MEET THE RULES?

Does the proposal satisfy the Lincoln County Subdivision Regulations and the Montana Subdivision & Platting Act?

QUESTION 02

IS IT IN THE PUBLIC INTEREST?

Measured against six impact areas below — plus the goals and objectives of the Lincoln County Growth Policy.

AGRICULTURE

Loss of farm ground and effects on surrounding agricultural activity.

AG WATER USERS

Effects on irrigation providers and surface-water access.

LOCAL SERVICES

Roads, police and fire protection, utilities, and public schools.

NATURAL ENVIRONMENT

Groundwater, wetlands, soil erosion, air quality, and noxious weeds.

WILDLIFE & HABITAT

Effects on fisheries and mammals and the habitat they depend on.

HEALTH & SAFETY

Sewage, fire hazard, traffic, and hazards like gas lines, rail, and dams.

When a subdivision creates negative effects, conditions are imposed to address them — always in this order: **Avoid, then Minimize, then Mitigate.**

THE BUILD

WHAT YOU MAY HAVE TO PROVIDE

Design standards govern how lots and roads are laid out. Development standards cover the infrastructure the developer usually designs, installs, and pays for — often certified by a licensed engineer. Depending on the project, some or all of these may apply.

ROADS
Built to county standards; upgrades to existing roads may be required. Maintenance passes to homeowners.

HIGH FIRE HAZARD
Properties in high-hazard areas likely need fire-risk reduction work.

FENCES
Required next to railroad tracks or major irrigation ditches for safety.

IRRIGATION
Remove water rights, or comply with the local irrigation district's rules.

ELECTRIC & PHONE
The subdivider must provide a service connection to the subdivision.

WATER & WASTEWATER
Central system, or individual well and septic meeting Montana DEQ minimums.

MAIL SERVICE
A central mailbox may be required when there's no delivery to each lot.

FIRE PROTECTION
Lots should sit in a fire district; municipal-water systems need hydrants.

STORMWATER
Drainage facilities must protect the subdivision and adjoining land.

NOXIOUS WEEDS
The subdivider must control noxious weeds, especially along roadways.

PARKS
Major subdivisions dedicate parkland or pay into the County Park fund.

THE BOTTOM LINE

COSTS & VARIANCES

Beyond application review fees, a subdivider carries real project costs. Build these into your feasibility math from the start.

COSTS TO PLAN FOR

CORE COSTS

- CONSULTANT FEES
- SURVEYING FEES
- INFRASTRUCTURE DEVELOPMENT

INFRASTRUCTURE MAY INCLUDE

- ROADS
- BRIDGES
- STORMWATER
- WATER & WASTEWATER
- UTILITIES
- ROAD SIGNS
- ENTRANCE SIGNAGE
- FENCING
- PARK REQUIREMENTS

> **When a standard causes real hardship — variances.** Design and development standards exist to enforce best practices, but site-specific conditions can make a standard a genuine hardship. In those cases the subdivider can request a *variance*; the Subdivision Regulations spell out when one may be granted.

For Further Information

LINCOLN COUNTY PLANNING DEPARTMENT

512 California Ave ·
Libby, MT 59923
(406) 283-2309
Full regulations:
lincolncountymt.us

A plain-language summary of the Lincoln County Citizen's Guide to Land Subdivision. For binding requirements, always consult the complete Lincoln County Subdivision Regulations and Planning staff.

LINCOLN COUNTY · MONTANA — LAND SUBDIVISION PROCESS MAP

How land gets subdivided — the whole process on one page*

WHO'S INVOLVED

THE SUBDIVIDER

You + your hired team:

Surveyor · Engineer · Attorney
Land-use & environmental consultants
Lender · Real estate · Project Manager

DRIVES STEPS:

1 2 3 4 6 7

Note: more lots ≠ more profit — infrastructure scales with parcels.

AGENCIES & PROVIDERS

Comment on ability to serve; set conditions for their systems.

Utilities & telecom · Fire depts
Road districts · Irrigation districts
FWP · DNRC · MDT · US Forest Svc

INFORMS STEPS:

1 4 6

THE PUBLIC

Neighbors & residents. Impacts are community concerns, aired in public hearings before the final decision.

WEIGHS IN AT STEPS:

4 5

COUNTY OFFICIALS

01 **Board of Commissioners**

3 elected · make the final decision

02 **Planning Board**

9 appointed · review + recommend

03 **Planning Staff**

run the administrative process

ACT ACROSS STEPS:

2 3 4 5 6 7

Recommendation chain feeds the Decision at Step 5.

**Plain-language summary — consult the full Subdivision Regulations for binding requirements.*

THE 7-STEP PROCESS

ANY DIVISION CREATING PARCELS < 160 ACRES

MAJOR	MINOR	EXEMPT
6 or more lots	5 or fewer lots	exits full review

1 PRELIMINARY INVESTIGATION & DESIGN

Due diligence: covenants (Clerk & Recorder), septic/wells (Health Dept). Weigh water, soils, access, fire, demand.

DUE DILIGENCE · HIRE CONSULTANTS

2 PRE-APPLICATION CONFERENCE

Meet Planning staff BEFORE filing. Issues flagged; agencies to contact are identified.

REQUIRED

3 SUBMIT APPLICATION + FEES

Staff check completeness, visit the site, and write a staff report against the regulations & review criteria.

→ STAFF REPORT

4 PUBLIC REVIEW

Adjoining owners notified + signs posted (subsequent minor / major; first-time minor exempt).

Staff ▸ Planning Board ▸ **Commissioners**

5 DECISION — BOARD OF COMMISSIONERS

Final call, based on staff recommendation + all review.
Aggrieved party may appeal → District Court

Approve	Approve w/ Conditions	Deny
✓ proceed	proceed with terms	✗ ends here

6 COMPLETE THE CONDITIONS

Meet every written condition before filing. Lots < 20 ac → Montana DEQ sanitation review; septic permit to build.

CONDITIONS + STANDARDS APPLIED HERE

7 FILE FINAL SURVEY

Licensed surveyor's final plat recorded with Clerk & Recorder.

→ LOTS CAN NOW BE SOLD

WHAT SHAPES THE OUTCOME

REVIEW CRITERIA — THE TEST AT STEP 5

Gate 1 Does it meet the Subdivision Regulations + MT Subdivision and Platting Act?

Gate 2 Is it in the public interest? — six impact areas:

- **Agriculture** farm ground & activity
- **Ag water users** irrigation & surface water
- **Local services** roads · fire · schools
- **Natural environ.** water · wetlands · weeds
- **Wildlife & habitat** fisheries & mammals
- **Health & safety** sewage · fire · traffic

+ weighed against the goals of the Lincoln County Growth Policy.

TO ADDRESS NEGATIVE IMPACTS, IN ORDER:
AVOID → MINIMIZE → MITIGATE

Result → the Decision (Step 5): Approve · Approve w/ Conditions · Deny
Conditions carry into Step 6 below.

CONDITIONS & STANDARDS — APPLIED AT STEP 6

Infrastructure the developer typically designs, installs & pays for (often engineer-certified). Some or all may be required:

Roads · Water & wastewater · Fire protection · Stormwater · Irrigation · Electric & phone · Fences · Mail · Noxious weeds · Parks (major subd.) · High fire-hazard work

Always: lots < 20 ac → Montana DEQ sanitation review · septic permit before building.

DEVELOPER COSTS TO PLAN FOR

Consultant & surveying fees · infrastructure (roads, bridges, utilities, signage, fencing, parks). *Variance available if a standard causes genuine site-specific hardship.*

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